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cancel

whose parents is inbred PH48V, said collection also comprising seed of said inbred;

- (b) growing plants from said collection of seed;
- (c) identifying an inbred PH48V plant; and
- (d) selecting said inbred PH48V plant.

68. (New) The process of claim 67 wherein step (c) comprises identifying plants with decreased vigor.

69. (New) The process of claim 67 wherein step (c) comprises identifying seeds or plants with a homozygous genotype.

REMARKS

Claims 5-51 have been cancelled. Claims 52-69 have been added. No new matter has been added by amendment or by addition of new claims. Reconsideration of the claims as presented is respectfully requested.

Support in the specification for newly added claims 55-57 can be found in the specification on line 18, page 30, through line 15, page 31.

Support in the specification for newly added claims 58-60 can be found in the specification on line 22, page 27, through line 17, page 30.

Support in the specification for newly added claims 61-63 can be found in the specification on line 16, page 31, through line 4, page 32.

Support in the specification for newly added claims 64 and 65 can be found in the specification in lines 16-31 on page 20.

These amendments have been made due to new unpublished Patent Office directives concerning the subject matter of this application that have been verbally communicated to Applicant. Cancellation of current claims 5-51 and insertion of new claims 52-69 does not in any way change the claim scope which the Applicant believes is allowable but is meant to hasten the issuance of the patent.

CONCLUSION

Attached hereto is a marked-up version of the changes made to the specification and claims by current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE".

Applicant submits that in light of the foregoing new claims, the cancellation of claims 5-51 and the remarks, the claims are in condition for allowance. Reconsideration

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and early notice of allowability is respectfully requested. If it is felt that it would aid in prosecution, the Examiner is invited to contact the undersigned at the number indicated to discuss any outstanding issues.

Respectfully submitted,
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VERSION WITH MARKINGS TO SHOW CHANGES MADE**In the specification**

(Second Amendment to paragraph) At page 50 of the original application, lines 2 – 21, following "Deposits", the entire paragraph was deleted and the new paragraph was inserted. The first amendment was submitted in the RCE dated May 22, 2002.

Applicant has made a deposit of at least 2500 seeds of Inbred Maize Line [PH4TW] PH48V with the American Type Culture Collection (ATCC), Manassas, VA 20110 USA, ATCC Deposit No. PTA-4263. The seeds deposited with the ATCC on May 3, 2002 were taken from the deposit maintained by Pioneer Hi-Bred International, Inc., 800 Capital Square, 400 Locust Street, Des Moines, Iowa 50309-2340 since prior to the filing date of this application. This deposit of the Inbred Maize Line PH48V will be maintained in the ATCC depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the effective life of the patent, whichever is longer, and will be replaced if it becomes nonviable during that period. Additionally, Applicant has satisfied all the requirements of 37 C.F.R. §§1.801 - 1.809, including providing an indication of the viability of the sample. Applicant imposes no restrictions on the availability of the deposited material from the ATCC; however, Applicant has no authority to waive any restrictions imposed by law on the transfer of biological material or its transportation in commerce. Applicant does not waive any infringement of his rights granted under this patent or under the Plant Variety Protection Act (7 USC 2321 et seq.). U.S. Plant Variety Protection of Inbred Maize Line PH48V has been applied for under Application No. 200000210.

In the claims

Claims 5-51 have been deleted and new claims 52-69 have been inserted.